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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 29th August, 2012

No.9179/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 29th August, 2012 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA HINDU RELIGIOUS ENDOWMENTS
(AMENDMENT) BILL, 2012

A
BILL

FURTHER TO AMEND THE ODISHA HINDU RELIGIOUS
ENDOWMENTS ACT, 1951

BE it enacted by the legislature of the State of Odisha
in the Sixty- third Year of the Republic of India as follows :—

1. (1) This Act may be called the Odisha Hindu
Religious Endowments (Amendment) Act, 2012.

(2) It shall come into force from such date as the
State Government may, by notification, appoint.

2. In the Odisha Hindu Endowments Act, 1951, after
Section 19-B the following section shall be inserted,
namely:—

Short title and
commence-
ment.

Insertion of
new section
19-C.

Odisha Act
2 of 1952.

"Purchase
of Trust
property
by the State
Government.

19-C.(1) Where the commissioner has sanctioned for transfer of immovable property, by way of sale, belonging to, or given or endowed for the purpose of, any religious institution which has become final under sub-section (7) of Section 19, notwithstanding anything contained in this Act or in any other law for the time being in force, the Trustee or the person in-charge of the immovable property of the religious institution, covered under such order of sanction, shall be bound to first offer the said immovable property to the State Government for purchase of such immovable property on payment of the amount which shall not be less than the amount which the Commissioner has fixed as adequate consideration for the purpose under section 19.

(2) The State Government shall, within a period of forty-five days from the date of receipt of the offer under sub-section (1) or such extended period not exceeding thirty days thereafter, intimate its intention whether to purchase the said immovable property or not in such form and in such manner as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force, no registering officer appointed under the Registration Act, 1908 shall register any document relating to transfer of immovable property by way of sale, as mentioned in sub-section (1), unless certificate from the State Government to the effect that it has no intention to purchase such immovable property is furnished before the registering officer along with such document."

STATEMENT OF OBJECTS AND REASONS

Section 19 of the Odisha Religious Endowments Act, 1951 provides that immovable properties belonging to or given or endowed for the purpose of Hindu Religious institutions of the State of Odisha can only be transferred by exchange, sale or mortgage or lease for upward of 5 years with the sanction of the Commissioner of Endowments. It is pertinent to State that there are some Religious Institutions which are financially quite sound and some are not. Such religious Institutions are managed either by hereditary trustee or by the non-hereditary Trust Board constituted under the provisions of the Act with the approval of the Government or by interim trustee appointed by Commissioner.

(2) In many cases, immovable properties of such Institutions are there in very important locality in urban areas as well as in the areas where development is fast taking place in the process of rapid urbanization and industrialization.

(3) Whenever in exercise of power U/s 19 of the Act permission for sale of immovable properties by the Hindu Religious Institution is accorded and is finally confirmed by the State Government, in view of the huge price rise of the real estate, practically the purchasers of middle class or below are not able to come forward and in fact it is happening. The same gets confined to the class of higher income group or others. The commissioner in these cases considers as to whether the transfer is necessary or is beneficial to the institution and when he arrives at a satisfaction on that sense, he fixes the adequate market price for sale.

(4) In important places when land is not available for being used any Government work either at present or future to serve public purpose, the land of these institutions are being purchased by others. As a result, the land is not being utilized for public purpose as expansion of office/court buildings, roads etc.

(5) Therefore, examining the matter from all angles and cumulatively viewing the situation as well as the factors emerging, it is proposed for necessary amendment in the provisions of O.H.R.E. Act, 1951 by introducing a provision that in case of permission for sale of immovable property belonging to, or given, or endowed for the purpose of any religious institution, there should be an offer for purchase of the immovable property by the State at the market price as would be reasonably fixed by the Commissioner which in fact he dose in exercise of power under section 19 of the Act in case he accords permission for transfer and only when the State refuse, sale of the same would take place in favour of others in any mode as per the order of the Commissioner.

The Bill seeks to achieve the above objectives.

RAGHUNATH MOHANTY
Member-in-Charge

A. K. SARANGI
Secretary
Odisha Legislative Assembly